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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,067	10/29/2003	Leping Huang	884A.0023.U1(US)	5950
29683 7590 05/13/2008 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE SHELTON, CT 06484-6212			EXAMINER HU, JINSONG	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 05/13/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/696,067	<b>Applicant(s)</b> HUANG ET AL.	
	<b>Examiner</b> JINSONG HU	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 16-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 36 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/29/03, 12/15/03</u> .                                      | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. Election filed by applicant on 3/3/08 is acknowledged. Claims 1-15 and 36-37 are elected for consideration. Claims 16-35 have been withdrawn from consideration without traverse.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "the ID" in line 1. There is insufficient antecedent basis for this limitation in the claim. Correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 4-15 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Champagne et al. (US 7,143,169).

6. As per claims 1 and 9-11, Champagne teaches the invention as claimed including a device for transmitting a message for reception by another device, comprising:

a processor for adding location information [118, extra data, Fig. 1] to the message, before transmission, wherein the location information identifies an area within which the message is to be hosted for reception by the other device [col. 12, line 23 – col. 13, line 3; col. 16, lines 10-35]; and  
a transmitter for transmitting the message, with the location information [col. 13, lines 4-29; col. 13, line 64 – col. 14, line 20].

7. As per claims 4 and 5, Champagne teaches a coder for redundantly encoding the message portions and the processor adds a different sequence number to each data structure [col. 16, lines 36-48].

8. As per claims 6-8, Champagne teaches the processor adds the same ID to each data structure, the ID identifies the device or device user, the ID identifies the intended recipient device or user of the message [col. 16, lines 5-9].

9. As per claims 12-14, Champagne teaches identify the location of neighbouring devices, the device is arranged to store the location dependent addresses of neighbouring devices and the transmitter selectively transmits directly to devices located within the area [col. 12, line 23 – col. 13, line 3; col. 16, lines 10-35].

10. As per claims 15 and 37, since they are method and apparatus claims of claim 1, they are rejected for the same basis as claim 1 above.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2-3 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Champagne et al. (US 7,143,169) as applied to claims 1, 4-15 and 37, in view of Official Notice.

13. As per claims 2 and 3, Champagne teaches the invention substantially as claim 1. Champagne does not specifically teach dividing the message into a plurality of separate message portions and adding the same location information to each message portion before transmit the messages. However, "Official Notice" is taken that both the

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concept and advantages of providing for dividing message is well known and expected in the art. It would have been obvious to a person of ordinary skill in the art to include message dividing step in Champagne's system because doing so would bring convenience to the message recipient when his device does not have sufficient memory space.

14. As per claim 36, Champagne teaches the invention substantially as claimed including a device, for participating in an ad-hoc radio communications network and transmitting a message for receipt by another device, comprising a processor adding the same location information to each of the separate message portions; and a transmitter for transmitting the messages storage in devices located within the area [col. 12, line 23 – col. 14, line 20; col. 16, lines 10-35].

15. Champagne does not specifically teach dividing the message into a plurality of separate message portions. However, "Official Notice" is taken that both the concept and advantages of providing for dividing message is well known and expected in the art. It would have been obvious to a person of ordinary skill in the art to include message dividing step in Champagne's system because doing so would bring convenience to the message recipient when his device does not have sufficient memory space.

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

O'Toole, Jr. (US 7,139,820) and Wang (US 2002./0160745) disclose message system.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jinsong Hu/

Primary Examiner, Art Unit 2154